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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/082,346      | 02/26/2002  | Ryuichi Shiohara     | Q68718              | 1680             |

7590 05/04/2006

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| EXAMINER |
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PAPANIKOLAOU, ATHANASIOS T

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| ART UNIT | PAPER NUMBER |
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2625

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |  |  |  |
|------------------------------|--|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/082,346           | <b>Applicant(s)</b><br>SHIOHARA, RYUICHI |  |
|                              | <b>Examiner</b><br>Athanasios Tom Papanikolaou | <b>Art Unit</b><br>2625                  |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment was received on 2/17/06, and has been entered and made of record. Currently, **claims 1-16** are pending.

### *Claim Rejections - 35 USC § 101*

2. The Examiner has noted the amendments to claims 4 and 14 and has withdrawn the rejection(s) under 35 USC § 101, cited in the prior Office Action dated 11/17/05.

### *Response to Arguments*

3. Applicant's arguments filed on 2/17/06, with respect to the rejection of claims 1-16, cited in the Office Action dated 11/2/05 as being anticipated by Blumberg (U.S. Patent Application Publication 2005/0144256) and Crosby (U.S. Patent Application Publication 2005/0052469), have been fully considered but they are not persuasive.

In response to the arguments regarding the rejection of claim 1, applicant argues on page 9 that Blumberg fails to teach of *an embedded command in the document is interpreted or that such interpretation occurs when the document is printed*. To further support the rejection, paragraph 116 discloses embedding the appropriate scale of the image when printing occurs. Therefore, one of ordinary skill in the art can recognize the system of Blumberg does teach an interpretation of a command occurring when a document is printed.

Therefore, the rejection of independent claim 1 cited in the Office action dated 11/17/05, under 35 U.S.C 102(e), as being anticipated by Blumberg, is maintained in this Office Action.

In response to the arguments regarding the rejection of claim 5, applicant states on page 9 'the Examiner admits Blumberg does not disclose a markup language output unit, but cites Crosby in order to cure this deficiency of Blumberg'. The embodiment of claim 5 is nearly identical to claim 1 except a digital camera executes the method of claim 1. Blumberg was cited by the Examiner as failing to disclose a markup language output unit *for a digital camera*. Crosby is combined with Blumberg to indicate prior art indicative of a digital camera with a markup language editing output unit for image data transferable between servers and clients as disclosed in paragraphs 60 and 61, and upon further inspection, illustrated in Fig. 1 and Fig. 4. The remaining limitations of the claim 5 are taught by Blumberg. Therefore, arguments on page 10, with respect to the edit list, argue limitations which were never cited as disclosed by Crosby.

Therefore, the rejection of independent claim 5 cited in the Office action dated 11/17/05, under 35 U.S.C 103(a), as being anticipated by Blumberg in view of Crosby, is maintained in this Office Action.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S.C. Code not included in this action can be found in a prior Office action.

4. Claims 1-4, and 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Blumberg (U.S. Patent Application Publication 2005/0144256 A1).

Regarding claim 1, Blumberg discloses a **method of editing a markup language** (paragraph 42) **comprising the steps of: describing, in a document transferred to a client computer through a telecommunication line from a server computer, a first embedded command interpreted when the document is displayed by the client computer, the first embedded command causing the client computer to display first image data of an input image** (paragraph 9); **describing in the document a second embedded command interpreted when the document is printed by the client computer, the second embedded command causing the client computer to print second image data of the input image with a larger number of pixels than the number of pixels of the first image data of the input image** (paragraph 12, the image is scaled in accordance with the maximum capabilities of the printer which can be a higher resolution than the display image; paragraph 116: embedding the appropriate scale of the image when printing occurs); **and outputting the document with the first and second embedded commands described** (paragraph 59).

Regarding claim 2, Blumberg discloses the dependent limitations of claim 1, as stated above, and further discloses **comprising the step of describing in the document a third embedded command interpreted when the document is printed by the client computer, the third embedded command specifying a document layout** (paragraph 23).

Regarding claim 3, Blumberg discloses the dependent limitations of claim 2, as stated above, and further discloses **further comprising the step of describing in the document a fourth embedded command interpreted when the document is printed by the client computer, the fourth embedded command specifying a page break** (paragraph 42, it is well known in the art how to insert a page break while editing a markup language).

Claim 4 recites identical features as claim 1 except claim 4 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 1 are equally applicable to claim 3 because without a computer readable medium to store a program that makes it possible for the system to operate, the system taught by Blumberg, the rejections for claim 1 could not function.

Claims 10 through 12 recite identical features as claims 1 through 3, respectively, except claims 10-12 are method claims. Thus arguments similar to that presented above for claims 1-3 are equally applicable to claims 10-12.

Regarding claim 13, Blumberg discloses the dependent limitations of claim 12 and further discloses **comprising the step of interpreting a fourth embedded command described in the document and specifying a page layout when the document is printed** (paragraph 23, the document contains layout information which can include page layout information).

Regarding claim 14, Blumberg discloses a **record medium storing a browser being executed in a client computer connected through a telecommunication line to a server computer (see Fig. 1), the browser for causing the client computer to execute the steps of: interpreting a first embedded command described in a document transferred from the server computer and displaying first image data of an input image when the document is displayed (paragraph 9); and interpreting a second embedded command described in the document and printing second image data of the input image with a larger number of pixels than the number of pixels of the first image data when the document is printed (paragraph 12, the image is scaled in accordance with the maximum capabilities of the printer which can be a higher resolution than the display image).**

Regarding claim 15, Blumberg discloses a **print system comprising a client computer connected through a telecommunication line to a server computer (see Fig. 1) and a printer for receiving print data from the client computer and printing a document (paragraph 91), the print system comprising: a display unit for interpreting a first embedded command described in a document, described in a markup language and transferred from the server computer, and displaying first image data of an input image recorded in the server computer when the document is displayed (paragraph 9); and a print unit for interpreting a second embedded command described in the document and printing second image data**

**of the input image with a larger number of pixels than the number of pixels of the first image data when the document is printed (paragraph 119, prints at a resolution appropriate to printer which can be a higher resolution than display image).**

Regarding claim 16, **Blumberg discloses a server computer comprising: a record unit for recording (see Fig. 7), according to a request made by a second client computer (see Fig. 1, multiple clients), a document described in a markup language (paragraph 42) wherein a first embedded command interpreted when the document is displayed by a first client computer, the first embedded command for causing the first client computer to display first image data of an input image, and a second embedded command interpreted when the document is printed by the first client computer (paragraph 9), the second embedded command for printing second image data of the input image with a larger number of pixels than the number of pixels of the first image data of the input image, are described, and the image data of the input image (paragraph 12, the image is scaled in accordance with the maximum capabilities of the printer which can be a higher resolution than the display image); and a transfer unit for transferring, according to a request made by the first client computer, the document and the image data of the input image to the first client computer through a telecommunication line (see Fig. 7).**



The text of those sections of Title 35, U.S.C. Code not included in this action can be found in a prior Office action.

5. Claims 5-9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Blumberg in view of Crosby et al. (U.S. Patent Application Publication 2005/0052469 A1).

Regarding claim 5, Blumberg discloses **describing, in a document transferred to a client computer through a telecommunication line from a server computer, a first embedded command interpreted when the document is displayed by the client computer, the first embedded command causing the client computer to display first image data of the input image (paragraph 9) and a second embedded command interpreted when the document is printed by the client computer, the second embedded command for printing second image data of the input image with a larger number of pixels than the number of pixels of the first image data of the input image**(paragraph 12, the image is scaled in accordance with the maximum capabilities of the printer which can be a higher resolution than the display image; paragraph 116: embedding the appropriate scale of the image when printing occurs), **and outputting the document with the first and second embedded commands described** (paragraph 59).

Blumberg does not disclose expressly **a digital still camera comprising: an image data output unit for outputting image data from an input image; and a markup language output unit.**

Crosby discloses a **digital still camera comprising: an image data output unit for outputting image data from an input image; and a markup language output unit** (fig 1 and fig 4; paragraph 60, edit list files provide image processing instructions; paragraph 61, a digital camera can be configured to provide edit list data using a markup language).

Blumberg and Crosby are combinable because they are from the same field of endeavor namely image processing. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Blumberg's system include a digital camera with the capabilities of outputting image processing information in a markup language, as taught by Crosby. The suggestion or motivation for doing so would have been that Blumberg's system could include an image server, which receives image-processing files directly from a digital camera. Therefore, it would have been obvious to combine the teachings of Crosby with the system of Blumberg to obtain the invention in claim 5.

Regarding claim 6, Blumberg and Crosby disclose the dependent limitations of claim 5 as stated above.

Blumberg further discloses **wherein the image data output unit outputs the first image data and the second image data** (paragraph 59).

Regarding claim 7, Blumberg and Crosby disclose the dependent limitations of claim 5 as stated above.

Blumberg further discloses **wherein the markup language output unit describes in the document a third embedded command interpreted when the document is printed by the client computer, the third embedded command specifying a document layout, and outputs the document with the third embedded command described** (paragraph 23).

Regarding claim 8, Blumberg and Crosby disclose the dependent limitations of claim 7 as stated above.

Blumberg further discloses **wherein the markup language output unit describes in the document a fourth embedded command interpreted when the document is printed by the client computer, the fourth embedded command specifying a page break, and outputs the document with the fourth embedded command described** (paragraph 42, it is well known in the art how to insert a page break while editing a markup language).

Regarding claim 9, Blumberg and Crosby disclose the dependent limitations of claim 6 as stated above.

Crosby further discloses **further comprising an interface being connected to a communication unit for transferring the document to the server computer through the telecommunication line** (paragraph 80).

### ***Conclusion***

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



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